

REMARKS

The present application was filed on March 26, 2001 with claims 1-25. In the outstanding final Office Action, the Examiner maintains the rejection of claims 1-5, 7-9, 12-16, 20, 21 and 23-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,852,803 to Ashby, III et al. (hereinafter “Ashby”) in view of U.S. Patent No. 6,453,281 to Walters et al. (hereinafter “Walters”) in further view of U.S. Patent No. 6,173,250 to Jong (hereinafter “Jong”).

In this response, Applicants amend independent claims 1, 21 and 25.

More particularly, independent claims 1, 21 and 25 now recite that “the spoken utterance input by the user is transmitted to the remotely-located computing device prior to speech-to-text conversion.” This language is illustratively supported in the present specification at page 10, lines 9-28, which describes FIG. 4.

Similarly, independent claim 12 already recites “a remotely-located speech recognition system for: (i) uploading from the storage mechanism the association of the electronically-readable identifier input from the item and the spoken utterance input from the user”

The Ashby//Walters/Jong combination fails to teach or suggest at least these limitations. No where does the combination disclose a remotely-located computing device that performs speech-to-text conversion, wherein speech data is transmitted or uploaded to the remotely-located computing device prior to speech-to-text conversion, as in the claimed invention.

The final Office Action points to Jong at col. 2, line 65, col. 5, lines 13-33, system 100 and 110 of Figure 1, and subblock s503 of Figure 5 in support of this feature. However, Applicants respectfully point out that these portions of Jong clearly state that the data transmitted over the network from one subscriber terminal to a second, remote subscriber terminal is text data, not speech data. That is, the speech data input at one terminal in Jong is first converted to text and then transmitted as text to the other terminal (see col. 3, lines 13-21). Thus, adding Jong to the combination of Ashby and Walters does not meet the above-mentioned limitation of independent claims 1, 21 and 25 (“the spoken utterance input by the user is transmitted to the remotely-located computing device prior to speech-to-text conversion”) or of independent claim 12 (“a remotely-located speech recognition system for: (i) uploading from the storage mechanism the association of

the electronically-readable identifier input from the item and the spoken utterance input from the user”).

Furthermore, Applicants’ maintain their argument by incorporation herein that any combination between Ashby and Jong clearly lacks legally-sufficient motivation under the Federal Circuit requirements of In re Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002).

In view of the above, Applicants believe that claims 1-5, 7-9, 12-16, 20, 21 and 23-25 are in condition for allowance, and respectfully request withdrawal of the various §103 rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis", written over the typed name and title.

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